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to Great Brit. George II

16

30th Aug 1737



25 Geo. II. c. 15 -

*An ACT for vesting the real Estate, of
William Barnesley, Esq; deceased, in Trustees
for the Benefit of William Barnesley, Esq;
his only Son and Heir, who is a Lunatick;
and for raising Money to pay the Costs of se-
veral Suits and Proceedings at Law and in
Equity, brought for Recovery of the said
Estate.*



Whereas by a Decree or decretal Order of the High Court of Chancery, made on the 5th Day of August, 1748, in two several Causes, in one of which Causes, *William Barnesley, Esq; a Lunatick, by Edward Bangham, Esq; his Committee was Plaintiff, and Mansell Powell, Esq; Samuel Barnesley, John Gale, Mary Powell, Samuel Bennett, Clerk, Richard Walton, Charles Heywood, Thomas Wall, John Yeomans, Thomas Palmer, Elizabeth Barnesley, and his Majesty's Attorney-General were Defendants.* And in the other of the said Causes, the said *Mansell Powell, Esq; was Plaintiff, and the said William Barnesley, the Lunatick, by the said Edward Bangham, his Committee, Mary Powell, Elizabeth Barnesley, and the said Edward Bangham were Defendants.* After reciting, or taking Notice therein, that *William Barnesley, the Elder, of Eardisley Park, in the County of Hereford, Esq; deceased, late Father of the Complainant William Barnesley, was at his Death seized of, or intitled unto several Manors, and also divers Freehold and Copyhold Messuages, Lands and Hereditaments with their Appurtenances, situate in the several Counties of Hereford, Radnor, Brecon, Hertford and Middlesex, and else-where in Great Britain, of the yearly Value of 2000l. and upwards; and that he was also possessed of and intitled to a very considerable personal Estate, amounting to 60000 l. and upwards, and being so seized and possessed, died on or about the 8th Day of April, 1737, Intestate, and that upon his Death the said William Barnesley being his only Child, and Heir at Law, entered upon and possessed himself of the said real and personal Estate of his said Father, and that Letters of Administration of the personal Estate and Effects of his*

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said

said late Father had been granted to him the said *William Barnesley* as his next of Kin, by the Prerogative Court.

And also reciting or taking Notice, that *Mansell Powell* of *Wellington*, in the County of *Hereford*, Attorney at Law, having been employed by the said *William Barnesley*, the Father, as an Attorney, and in lending and laying out Money. And that he the said *William Barnesley* the Son, being a Lunatick, or being from the Weakness of his Mind incapable of judging what was for his Interest, had been imposed upon by the said *Mansell Powell*, and without the Privity or Approbation of any of his Relations, made to execute divers Instruments in Writing, and particularly certain Indentures of Lease and Release, bearing Date respectively the 22d and 23d Days of *April*, 1738, whereby the said *William Barnesley*, the Son, without any real or valuable Consideration did convey to the said *Mansell Powell*, his Heirs and Assigns, All his Honours, Castles, Manors, Lordships, Messuages, Rectories, Vicarages, Dwelling-Houses, Tenements, Lands, Tythes, Tents Rents and Hereditaments, with their Appurtenances, within the several Counties of *Hereford*, *Radnor*, *Brecon* and *Middlesex*, or in either of them, and within the City of *London*, being of the yearly Value of 2000 l. To hold the same to the said *Mansell Powell*, his Heirs and Assigns, to the Use of the said *William Barnesley*, the Son, and his Assigns, during his Life, and after his Decease, to the Use of the said *Mansell Powell*, his Heirs and Assigns for ever. And that the said *William Barnesley* the Son, did also in and by the said Indenture of Release assign to the said *Mansell Powell*, his Executors, Administrators and Assigns, All his the said *William Barnesley*'s ready Money, and all Money due to him the said *William Barnesley* the Son, by Mortgages, Judgments, Bonds, Notes, and other Securities, and all his Money then or then lately invested in South Sea Stock, *India* or Bank Stock, or in any other Fund, Bank or Stock. And all other the said *William Barnesley*, the Sons personal Estate whatsoever, of what Nature or Kind soever, or wheresoever. To hold to the said *Mansell Powell*, his Executors, Administrators and Assigns, to the Uses following, that is to say, That the said *William Barnesley* the Son, should take to his own Use all the growing Interest, Increase and Dividends of the said personal Estate for his Life, and after his Decease. Then that the same, and every Part thereof should be and remain to the Use of the said *Mansell Powell*, his Executors, Administrators and Assigns for ever.

And also reciting, or taking Notice that the said *Mansell Powell* not being satisfied with the aforesaid Indentures, or content with having the said *William Barnesley* the Sons, whole Estate, real and personal, after his the said *William Barnesley*'s Death, procured certain other Deeds or Indentures, bearing Date respectively the 7th and 8th Days of *May*, 1738. Thereby reciting that the said *William Barnesley* the Elder duly executed his Will, and devised and bequeathed the Bulk of his real and personal Estates unto the said *Mansell Powell*, and his Heirs, for the proper Benefit of the said *Mansell Powell*, his Heirs, Executors, and Administrators. And that the said *William Barnesley* the Elder dyed without revoking the same; and that after his Death the said Will was for some Time concealed and afterwards burnt and destroyed, so that the same could not be produced and proved. And that in Order to make the said *Mansell Powell* some Compensation for his great Loss, by the Concealment and Destruction of the said Will, the said *William Barnesley* the Son, had executed the said recited Lease and Release, dated the 22d and 23d of *April*, 1738, And also reciting, That it was not to the Satisfaction of the said *William Barnesley* the Son, That he should hold and enjoy the real Estate of his the said *William Barnesley*'s late Father, for his the said *William Barnesley* the Son's Life, contrary to the Will and Intention of his said late Father. The said Indenture now reciting witnessed, That in Consideration of the Premises, and of five Shillings paid to the said *William Barnesley* the Son, by the said *Mansell Powell*. And also in Consideration that the said *Mansell Powell* had agreed, after the Death of the said *William Barnesley* the Son, to take upon himself the Sir-Name of *Barnesley* instead of *Powell*, pursuant to the said *William Barnesley*'s said late Father's Desire, the said *William Barnesley* the Son did grant and release to the said *Mansell Powell*, and to his Heirs and Assigns, All the Honours, Manors, Messuages, Lands, Tene-

Tenements, Tythes, Rents and Hereditaments of the said *William Barnesley* the Elder, within the said County of *Hereford, Radnor, Brecon* and *Middlesex*, and in the City of *London* aforesaid, or else-where within the Kingdom of *Great Britain*, with their Appurtenances, To hold to the said *Mansell Powell*, his Heirs and Assigns for ever, subject to the Payment of 500 l. a Year, to the said *William Barnesley* the Son, for his Life, and to other Annuities and Sums therein mentioned. And that it was by the same Indenture further witnessed, That the said *William Barnesley* the Son, did thereby, for the pretended Considerations aforesaid assign to the said *Mansell Powell*, his Executors, Administrators and Assigns, All his said Father's personal Estate, ~~to~~ hold to the said *Mansell Powell* his Executors, Administrators and Assigns, without any Account to be given to the said *William Barnesley* the Son, or any Person or Persons whatsoever concerning the same.

And also Reciting, or taking Notice that the said Recital in the said Indenture of Release last mentioned, as also the several Deeds themselves were a gross Fraud and Imposition upon the said *William Barnesley* the Son, and obtained by the said *Mansell Powell* without any Manner of Consideration, but that the said *Mansell Powell* had entered on all the said *William Barnesley* the Son's real and personal Estate, by Virtue of the said Indentures of Lease and Release, or some other Deeds executed by the said *William Barnesley* the Son, and had in *May, 1738*, brought all his Family with him to the said *William Barnesley* the Son's Dwelling House, where they had lived ever since. And that the said *Mansell Powell* had ever since received the Rents and Profits of the said *William Barnesley* the Son's real Estate, and was then in Possession thereof, and had received thereout 10000 l. and upwards, and had also received 6000 l. and upwards, Part of the personal Estate of the said *William Barnesley*, deceased.

And also Reciting, or taking Notice, That on or about the 23d Day of *May, 1738*, and not before a certain Paper Writing, was set up by the said Defendant, *Samuel Barnesley* As a ~~Will~~, pretended to be executed by the said *William Barnesley*'s said late Father, bearing Date, on or about the 16th Day of *October, 1736*, whereby it was pretended that the said *William Barnesley*'s said late Father gave to the said *Samuel Barnesley*, all his personal Estate which should be Overplus and in Arrear when his Funeral Charges, Debts and Legacies should all be paid. And that he gave to the said *Mansell Powell*, all his real Estate in the County of *Hereford and Radnor*, And all and every and any Place or Places whatsoever, To hold to the said *Mansell Powell*, during his Life, upon the Conditions therein, and that at the Decease of the said *Mansell Powell*, it should and might be lawful for the said *Samuel Barnesley*, if he should survive, and be then living, or his Male-Heir, if any, to enter upon and safely keep in his Possession All his real Estate, and all its Appurtenances, To hold to him and his Male-Heirs, from time to time, and at all Times for ever. And that by such pretended Will, 40 l. a Year, and no more was given to the said *William Barnesley* the Son, for his Life, and but 20 l. a Year, if he should live with his Wife, and that the said *Samuel Barnesley* and *Mansell Powell* were named Executors of such Will.

And also Reciting, That though a Suit was instituted in the Prerogative Court, concerning the proving the said Will in *May 1738*, yet the said *Mansell Powell* was fully and clearly convinced that the said pretended Will and the Execution thereof was forged, That he undertook the Defence of the said Cause, and defended the same accordingly for about Four Years, till the 12th of *May 1742*, in the Name and on Behalf of the said *William Barnesley* the Son: And that near 100 Witnesses were examined on behalf of the said *William Barnesley* the Son, who clearly proved sufficient to set aside such pretended Will. And the said *Samuel Barnesley*, after Publication was passed, observing the great Weight of Evidence against the said Will; and well knowing that the Proofs taken in order to establish the same, were very weak and insufficient, delayed proceeding in the said Cause for a considerable Time, hoping to establish the said Will by other Means, and employed several Persons to bring the said *William Barnesley*, the Son, to consent to establish the said Will, and to seduce and carry him from *Herefordshire* to *London*. And that the said *William Barnesley* the Son, was

was brought to *Loudon* in *May 1742.* and immediately after his Arrival, a certain Agreement was prepared by the said *Samuel Barnesley* his Counsel or Agent, and executed by him and the said *William Barnesley* the Son, bearing Date the 10th of *May 1742.* Whereby the said *William Barnesley* the Son, was made to agree with the said *Samuel Barnesley*, that he the said *William Barnesley* the Son, should within a Week execute such Deeds and Instruments as should be tendered to him by the said *Samuel Barnesley*, to Consent that the Prerogative Court should pronounce Sentence for the said pretended Will, and that the said *William Barnesley* the Son, should at all Times often after execute all Deeds, as the said *Samuel Barnesley*, should tender to him to convey all his Right to all the real and personal Estate, which the said *William Barnesley* died seized or possessed of. And also, all such Deeds as should be tendered to him to confirm the said pretended Will.

And also reciting, or taking Notice, That the said *William Barnesley* the Son, was made to execute a Proxy, dated the 10th Day of *May, 1742,* whereby he appointed *William Strudwick*, Notary Publick, or any other Proctor of the said Prerogative Court, to consent that the said pretended Will might be pronounced to be the last Will of the said *William Barnesley*, deceased, and that a Probate thereof might be decreed to be granted to the said *Samuel Barnesley*; and that the said Cause was called on. And the said Sentence pronounced in the said Prerogative Court, within two Days after the Execution of the said Proxy, and by Virtue and in Pursuance thereof.

And also Reciting, or taking Notice, That in *Michaelmas Term*, in the 14th Year of his present Majesty, one *John Barnesley* brought a Bill in his Majesty's Court of Exchequer, against the said *Samuel Barnesley*, *Manuell Powell*, and the said *William Barnesley* the Son, praying, That an Annuity of 50 l. given him by such Will and the Arrears thereof, might be paid. And the said Defendants having put in their Answers, and Witnesses being examined the Cause, was heard the 6th Day of *December* in the 17th Year of his said Majesty, when the Court upon reading the said pretended Will; and the Depositions of the Witnesses taken in the Cause. And the Council for the said *William Barnesley* the Son, not requiring any Trial at Law, declared the said Will well proved.

And also Reciting, or taking Notice, That on the 30th Day of *July 1744.* the Lord High Chancellor was pleased to grant a Commission in the Nature of a Writ *De Lettato Inquirendo*, to inquire, whether the said *William Barnesley*, the Son, was a Lunatick, or not, on quashing an Inquisition before taken, by Virtue of a former Commission, whereby it was found that the said *William Barnesley* the Son, from the Weakness of his Mind was incapable of governing himself and Fortune, and upon hearing many Council employed by the said *Manuell Powell* and *Samuel Barnesley*, in the Name of the said *William Barnesley* the Son, against the said last Commission, and upon Examination of several Witnesses, an Inquisition was taken on the 9th Day of *October 1744.* by a special Jury, who found that the said *William Barnesley* the Son, then was a Person of unsound Mind, so that he was not sufficient for the Government of himself and Fortune, and that he had been so from the 8th Day of *April, 1737.*

And also Reciting, or taking Notice that the Custody of the said *William Barnesley*, the Son's Person was committed to the said *Elizabeth Barnesley* his Wife, and the Custody of his Estate to the said *Edward Bangham*. And also reciting, or taking Notice that the said *Samuel Barnesley* pretended that the said *William Barnesley* the Son, had executed several other Deeds to him, or for his Use in Pursuance of the said Agreement, dated the 10th Day of *May, 1742.* and threatened to set up the same, when his Title, under the said pretended Will should be destroyed.

It was (amongst other Things) Ordered and Decreed, That the Parties should proceed to a Trial at Law at the Bar of the Court of King's Bench by a special Jury of the County of *Hereford*, on the following Issues, viz. FIRST, Whether the said Paper-writing

writing dated the 16th Day of *October*, 1736. was duly published by the said *William Barnesley*, deceased, as his last Will and Testament, and signed by him and attested and subscribed in his Presence by three credible Witnesses. And **SECONDLY**, whether the Paper Writings bearing Date respectively the 18th and 19th Days of *June*, 1735, were sealed and delivered by the said *William Barnesley* deceased. And if the said Jury should find the said Paper Writing, dated the 16th Day of *October*, 1736, not to have been duly executed by the said *William Barnesley*, deceased, as his Will. Then it was further Ordered, that an Indorsement should be made on the *Venire Facias* or *Distringas*, whether such Verdict was grounded on Forgery, or upon any particular Defect in the Execution thereof.

And whereas by another Decree or decretal Order, made in the said Causes, on the 18th Day of *July*, 1749, after taking Notice of the former Decree or decretal Order, and that the said Issues thereby directed, were accordingly tryed. And that the Jury upon the first Issue found that the said Paper-writing, dated the 16th Day of *October*, 1736, was not duly published by the said *William Barnesley*, deceased, as his last Will and Testament, and signed by him, and attested and subscribed in his Presence by three credible Witnesses. And that upon the second Issue the Jury found the said two other Paper-writings, bearing Date respectively, the 18th and 19th Days of *June*, 1735, were not sealed and delivered by the said *William Barnesley*, deceased. And upon the *Distringas*, it was found by the said Jury, and is marked as follows, (that is to say) " As to the first Issue, the Jury ground their Verdict on Forgery, and not on any particular Defect in the Execution of the Will".

It was (amongst other Things) **Ordered and Decreed**, That the Cross-Bill, brought by the said *Mansell Powell*, should be dismissed with Costs. And that all Agreements, Deeds, Writings and Assurances relating to the said Estate of *William Barnesley* the Father, which had been obtained from the Complainant *William Barnesley* by any of the Defendants in the original Cause since his Father's Death should be set aside. And that the said *Mansell Powell* should deliver to the Committee of the Plaintiff the Possession of all the real Estate in Question for the Plaintiff's Use, and that Mr. *Lane*, the Master to whom the said Cause was thereby referred, shculd enquire whether the Defendant, *Samuel Barnesley* was in Possession of any Part of the real Estate belonging to the said *William Barnesley*, the Father, at the Time of his Death. And if the said Master should find that he was, Then that the said *Samuel Barnesley* should deliver Possession thereof to the Committee of the Plaintiff, for his Use. And that the Defendants, *Mansell Powell* and *Samuel Barnesley* should deliver all Deeds, Court Rolls, Court Books, Papers and Writings in their or either of their Custody relating to the real Estate of the said *William Barnesley* the Father, upon Oath to the Committee of the Plaintiff, for his Use, and should also at their own Expence, by such Conveyances and Assurances as the said Master should approve, convey and assure to the Plaintiff and his Heirs all the real Estate of the said *William Barnesley*, the Father. And that all proper Parties should join in such Conveyances and Assurances as the said Master should direct. And that the said Master should take an Account of the Rents and Profits of the said real Estate accrued since the Death of the said *William Barnesley* the Father, which had been received by the said *Mansell Powell*, or by any other Person by his Order, or for his Use. And in Case it should appear, That the said Defendant, *Samuel Barnesley* was or had been since the said *William Barnesley*'s Death, in Possession of any Part of the said real Estate, That then the said Master should take an Account of the Rents and Profits of such Part of the said real Estate as he had been in Possession of, which had accrued since the said *William Barnesley*'s Death, and hadbeen received by the said *Samuel Barnesley*, or any other Person by his Order, or for his Use. And that the said Defendants, *Mansell Powell* and *Samuel Barnesley* should respectively pay to the said Plaintiff's Committee what should be found due upon the Ballance of the said Accounts for the Benefit of the said Lunatick, and in taking the said Account, the said Master was to make all just Allowances to all Parties, and particularly an Allowance to the said Defendants, *Mansell Powell* and *Samuel Barnesley*, of all such Sums

of Money as they or either of them had paid to the Plaintiff, the Lunatick, or by the Order, or for the Use of the Plaintiff, or for the Maintenance of him and his Wife. **And it was further Ordered**, That the said *Mansell Powell*, and *Samuel Barnesley* should pay to the Committee of the Plaintiff the Costs of the said Suit to that Time. And also his Costs at Law to be taxed by the said Master. And the Consideration of the subsequent Costs were reserved 'till after the said Master shculd have made his Report.

And whereas by a subsequent Order, made in the said original Cause, bearing Date the 30th Day of April, 1750. It was referred to the said Master to tax the Costs of *John Woodhouse* and *John Meredith*, the Attornies and Sollicitors concerned and employed in the said Causes, on the Commissions of Lunacy ; And also their Bills of Fees and Disbursements in the said Causes in Chancery, and at Law. And the said Master was directed to enquire what other Causes, Suits and Busines had been done by them, on Behalf of the Lunatick and his Wife, and whether the same were for the Benefit of the said Lunatick or his Estate. And if the Master should find them to be so, he was ordered to tax the same, and also to take an Account of what Sums had been advanced by them for the said Lunatick, or for his Use, and on what Considerations and Purposes the same were advanced and paid.

And whereas the said Master made his Report, bearing Date the 3d Day of *August*, 1750, and thereby certified, that he had considered of the said *John Woodhouse* and *John Meredith*'s Bills of Costs of prosecuting the said Commissions of Lunacy, amounting to 1567 l. 9 s. 3 d. and that he had taxed the same at 1503 l. 6 s. 7 d. and that he had also considered of their Bills of Fees and Disbursement in the said Causes at Law and in Equity amounting to 6068 l. 1 s. 7 d. and that he had taxed the same at 5857 l. 6 s. 5 d. and further certified, That he had enquired what other Caufes, Suits and Busines had been solicited or performed by them on Behalf of the said *William Barnesley* the Son, and his Wife, and whether the same were for the Benefit and Advantage of the said Lunatick, or of his Estate, and that he found they had expended divers Sums in solliciting the whole litigated Affair between the said *William Barnesley* and his Committee against the Defendants *Mansell Powell* and *Samuel Barnesley* in *Doctors Commons* and the Court of Delegates in Relation to the Validity of the said pretended Will, on Behalf of the said Lunatick, which Litigation he conceived was for the Benefit of the said Lunatick and his Estate, an Account whereof they had laid before him, amounting to 277 l. 12 s. 10 d. which he had taxed at 256 l. 12 s. 10 d. whereout being deducted 92 l. 7 s. 8 d. received by them of Defendant *Powell* for Costs reduced the same to 164 l. 5 s. 2 d. and the said Master further certified, That he found, That when Defendant *Mansell Powell* got a Conveyance from the Lunatick of his whole real Estate ; he also took a Surrender from him of his Copyhold Estate, of about the yearly Value of 60 l. to *Gabriel Curl*, his Brother-in-law, and that it was advised by the Lunatick's Council to file another Bill against said *Curl* and *Powell*, in Order the more speedily to recover the Copyhold Estate ; but that the said Defendant, *Mansell Powell* referring such Bill and the said original Bill, as brought for the same Matter. It was thought more for the Benefit of the said Lunatick to stay Proceedings on the Bill against said *Curl* and *Powell* than to submit to the Delay of the original Cause by such Reference ; and that he conceived the said Suit was intended for the Benefit of the said Lunatick and his Wife, and ought to be paid by them ; and that he had taxed the Bills of Costs, amounting to 46 l. 19 s. 9 d. at 43 l. 5 s. 5 d. and further certified, That he found, that the said Defendant, *Mansell Powell* having entered into an Agreement to pay the said Lunatick's Wife 200 l. a Year during the Litigation of the said Will pretended to be made in the Year, 1736. The said *Mansell Powell* afterwards refused Payment of such Annuity ; and that she brought an Action at Law to compel Payment thereof ; and the Defendant, *Powell* brought a Bill in Equity to stay her Proceedings, and that he conceived the said Action and Defence were for the Benefit of the said Lunatick and his Wife, and had taxed the Bills of Costs

Costs on that Account, amounting to 139 l. 1 s. 9 d. at 115 l. 10 s. 1 d. And further certified that he found that the Defendant *Powell* having produced a Lease and Release, dated in the Year 1734, made in Imitation of the Hand-writing of the said *William Barnesley*, deceased, which he afterwards suppressed, and denied by his Answer; and that he was thereupon indicted for Perjury, and that he conceived the said Indictment was for the Benefit of the said Lunatick; and that the Expence thereof ought to be paid out of his Estate, and that he had considered of the Bills on that Account, amounting to 273 l. 1 s. 10 d. which he had taxed at 253 l. 18 s. 10 d. and further certified, That the said *John Woodhouse* had expended and disbursed several Sums of Money for the Maintenance, Board, Cloaths and other Necessaries for the said Lunatick; and in bringing and defending Actions in Ejectment, and other necessary Things relating to the said Lunatick and his Estate, which he conceived were for the Benefit of the said Lunatick, and his Estate; and that he had considered such Bills, amounting (with the Sums disbursed for the Use and Support of the said Lunatick) to 372 l. 18 s. 6 d. which he had settled at 357 l. 10 s. 5 d. And further certified, That the said *John Meredith* had advanced 20 l. 19 s. for the Purchase of four Oxen and a Mare, which he conceived ought to be repaid, as the same was advanced for the Use and Benefit of the Lunatick. And that all the said Sums being added together did amount to 8316 l. 1 s. 11 d.

And whereas the Lord Chancellor, by another Order of the said Court, bearing Date the 9th Day of *August*, 1750, confirmed the said Master's Report, and declared that *Elizabeth* the Wife of the said Lunatick, and the said *Edward Bangham*, the Committee of his Estate had a Lien upon, and were intitled to have Satisfaction out of the personal and real Estate of the said Lunatick for what they had or should pay, or were liable to pay on Account of the said 8316 l. 1 s. 11 d. and that the said Attorneys or Solicitors in the said Causes, as standing in the Place of the said *Elizabeth* the Wife of the said Lunatick, and the said *Edward Bangham* had also a Lien upon, and were intitled to be paid out of the said Lunatick's real and personal Estates what was due to them on Account of the said Sum of 8316 l. 1 s. 11 d. and that they severally should be at Liberty to apply to the Court for the raising and paying the same, or any Part thereof; and his Lordship reserved the Consideration of Interest of that Sum, or so much of it as should remain due, and referred it to the Master to tax the subsequent Costs, who made another Report, bearing Date the 7th Day of *March*, 1750, and, thereby certified, That he had taxed the said subsequent Costs at the Sum of 90 l. 12 s. 6 d.

And whereas in Pursuance of an Order of the said Court of Chancery, bearing Date the Third Day of *August*, 1751, the Sum of 406 l. 14 s. 5 d. and no more hath been paid in Discharge of the said two several Sums of 8,316 l. 1 s. 11 d. and 90 l. 12 s. 6 d. making together 8,406 l. 14 s. 5 d. so that the Sum of 8,000 l. only now remains due and owing.

And whereas all possible Care and Diligence in prosecuting the Accounts directed by the Decree, and endeavouring to recover other Parts of the said personal Estate has been used. But the said *Mansell Powell* and *Samuel Barnesley* have assigned and transferred divers Securities for Money to other Persons, and have discharged several Debts, or delivered up the Securities; so that it will be a long Time before such personal Estate can be recovered and got in, and there is no certain Fund for Payment of the said Demands, but the said real Estate so recovered as aforesaid, and the said *Mansell Powell* being now a Prisoner in the *Fleet*, and the said *Samuel Barnesley* having become a Bankrupt, and the legal Estate of and in the said Premises still being and remaining in the said *Mansell Powell* and *Samuel Barnesley*, or his Assignee or Assignees, or some or one of them, the said *Edward Bangham* is unable to obtain or compell a Reconveyance thereof from them, or to have the said legal Estate vested in the said Lunatick and his Heirs.

And whereas the said *John Woodhouse* and *John Meredith* have applied to the said *Edward Bangham* for Payment of their said Demands. But under these Circumstances, and by Reason of the Lunacy of the said *William Barnesley*, the same cannot be raised and paid out of the said real Estate without the Aid and Authority of an Act of Parliament. THEREFORE your Majesty's most dutiful and loyal Subject, the said *Edward Bangham*, on the Behalf of himself and the said *William Barnesley* the Lunatick, Doth most humbly beseech your Majesty, That it may be Enacted, And be it Enacted, by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this prefent Parliament assembled, and by the Authority of the same, That all and every the Manors, Messuages, Farms, Lands, Tenements, Hereditaments and real Estate whatsoever, late of the said *William Barnesley*, deceased, or whereof or wherein he or any Person or Persons in Trust for him, had at the Time of his Death, any Estate of Inheritance in Possession, Reversion, Remainder, or Expectancy, situate, lying, and being in the Kingdom of Great Britain, or elsewhere, with their and every of their Rights, Members and Appurtenances, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues and Profits, of all and singular the said Premises, shall from and after the Second Day of April, One Thousand Seven Hundred and Fifty Two be vested in, and settled upon and the same, are hereby from thenceforth vested in and settled upon *Stephen Comyn of Lincoln's Inn*, in the County of Middlesex, Esq; and *Gryffydd Price of Gray's Inn*, in the same County, Esq; their Heirs and Assigns, to the Use of them, the said *Stephen Comyn* and *Gryffydd Price*, their Heirs and Assigns for ever, freed and discharged, and absolutely acquitted, exonerated, exempted, and indemnified, of, from and against all Deeds, Wills, Writings, Contracts, Covenants, Agreements, Conveyances and Assurances, whatsoever, made, executed or entered into, or pretended to be made, executed or entered into by the said *William Barnesley* the Lunatick, unto or with the said *Manuell Powell* and *Samuel Barnesley*, or either of them, or any other Person or Persons in Trust for or on the Behalf of them, or either of them, and also of, from and against all Right, Title, Interest, Claims and Demands whatsoever, of them the said *Manuell Powell* and *Samuel Barnesley*, or either of them, or any Person or Persons claiming or to claim by from or under them, or either of them, as Voluntiers, without good and valuable Consideration, or with Notice of the Right, Title or Equity, of the said *William Barnesley* the Lunatick. But nevertheless upon the Trusts, and to, and for the Ends, Intents and Purposes, and subject to the Provisoes and Declarations herein after mentioned, expressed and declared of and concerning the same, that is to say upon Trust, That they the said *Stephen Comyn* and *Gryffydd Price*, and the Survivor of them and the Heirs of such Survivor, shall and do by Mortgage or Demise of the Premises so vested in the said Trustees by this Act, or of any Part thereof, for any Term or Number of Years, as to them the said *Stephen Comyn* and *Gryffydd Price*, or the Survivor of them shall seem proper and expedient, (Subject nevertheless, and without Prejudice to such Right as the said *Elizabeth* the Wife of the said *William Barnesley* the Son, hath, or shall, or may have Claim, or be intitled to, as, and for her Dower or Thirds, in, upon, or out of the said Manors, Lands, Tenements, Hereditaments and Premises, or any Part thereof by the Common Law of this Realm, or otherwise, howsoever) raise, borrow, and take up at Interest such Sum or Sums of Money as shall be sufficient in the first Place to defray the Charges and Expences of passing this Act, and in the next Place, to pay the said Sum of 8,000 l. being the Remainder now due and owing of the said Sum of 8,406 l. 14 s. 5 d. which in, and by the said Decree and subsequent Orders of the Court of Chancery herein before mentioned or recited, were declared to be a Lien upon, the real and personal Estates of the said *William Barnesley* the Lunatick as aforesaid, together with Interest for the said Sum of 8,000 l. to be computed from the said Ninth Day of August, which was in the Year of Our Lord One Thousand Seven Hundred and Fifty, and shall and do pay, apply and dispose of the Money to be raised by such Demise or Mortgage as aforesaid, unto the said *John Woodhouse* and *John Meredith*, their Executors, Administrators or Assigns, in Satisfaction and Discharge of the said 8000 l. and the Interest thereof accordingly, and also upon Trust, That they the said *Stephen*

Stephen Comyn and Gryffydd Price and the Survivor of them and the Heirs of such Survivor, shall, and do immediately after the said Sum of 8,000 l. and Interest, shall have been raised and levied by Virtue and in Pursuance of this Act, Grant, Convey and Assure, so much and such Part of the said Manors, Meffuages, Farms, Lands, Tenements, Hereditaments and Premisses, vested by this Act, as shall not be mortgaged or demised for the Purposes of this Act, and the Reversion, Inheritance and Equity of Redemption, of so much, and such Part thereof, as shall have been demised or mortgaged in Pursuance of this Act, unto or in Trust for or otherwise, for the Use and Benefit of the said William Barnesley the Lunatick, as the Lord High Chancellor, Lord Keeper of the great Seal or Commissioners for the Custody of the Great Seal for the Time being shall direct and appoint.

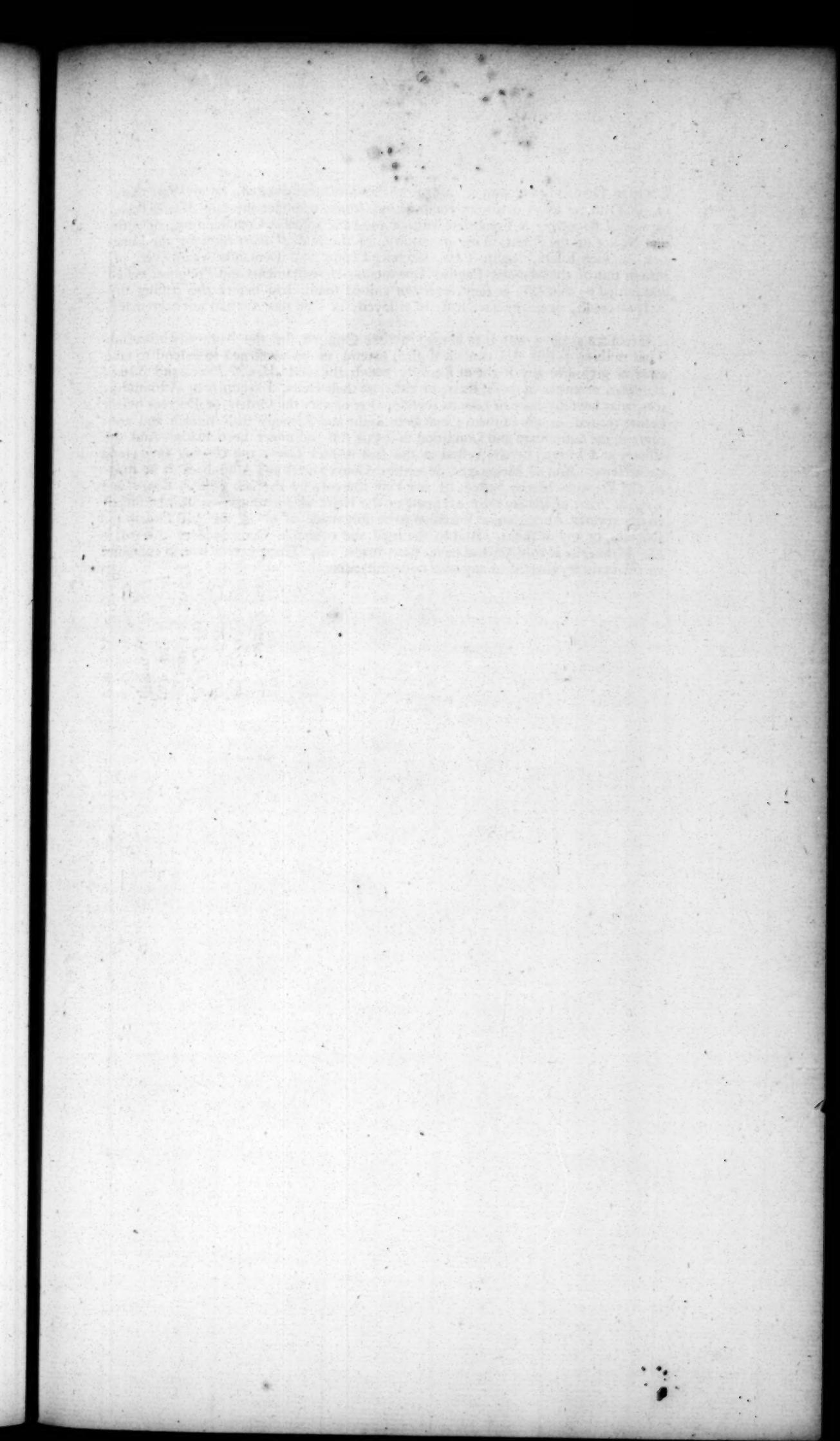
And it is hereby further Enacted and Declared, That in the mean Time and until such Mortgage or Demise for raising the said Sum of 8000 l. and Interest shall be made in Pursuance and for the Purposes of this Act as aforesaid, the said *Stephen Comyn and Gryffydd Price and the Survivor of them and the Heirs and Assigns of such Survivor* shall and do permit and suffer the Rents and Profits of the Premises hereby vested in them as aforesaid, to be had, received and taken by such Person and Persons as should or ought, or were intituled to receive the same before the passing this Act, or in Case the same had not been made, and that after any Mortgage or Demise shall be made, and before the Conveyance hereby directed to be made for the Use and Benefit of the said Lunatick, shall be made and executed, in Pursuance of this Act, the said Trustees and their Heirs shall permit the Surplus of the Rents and Profits of the same Premises which shall remain after Payment of the Interest, to grow due upon or by Virtue of such Mortgage or Mortgages, to be received and taken by such Person and Persons, as the said Lord High Chancellor, Lord Keeper of the Great Seal or Commissioners for the Custody of the Great Seal for the Time being shall direct or appoint.

And it is hereby further Enacted and Declared, That the Receipt or Receipts of the said *Stephen Comyn and Gryffydd Price and the Survivor of them, or the Heirs, Executors or Administrators of such Survivor under their or his Hands or Hand respectively, shall from Time to Time be an effectual Discharge to the Mortgagee or Mortgagees of the same Premises, or of any Part thereof respectively, for so much of the said Mortgage Money respectively as in such Receipt or Receipts, shall be acknowledged and expressed to be received and after such Receipt or Receipts, such Mortgagee and Mortgagees shall be, and he, she and they respectively, is, and are hereby absolutely acquitted and discharged of and from the same, and they, or any of them respectively, after such Receipt or Receipts, shall not be answerable or accountable for any Loss, Misapplication or Non-application of the said Mortgage-money, or any Part thereof.*

And it is hereby further Enacted and Declared, That the said *Stephen Comyn and Gryffydd Price* shall not, nor shall either of them, or the Heirs, Executors or Administrators, of either of them be answerable or accountable for any Money to be received by Virtue of or under the Trusts hereby in them repos'd, any otherwise than each Person for such Sum and Sums of Money as he shall actually receive, and that no one of them shall be answerable or accountable for the Acts, Receipts, Neglects, or Defaults of the other of them. And also, That they the said Trustees their respective Heirs, Executors and Administrators, shall and may, by and out of the Rents and Profits of the Premises hereby vested in them as aforesaid retain to and reimburse themselves respectively, all Cests, Charges, Damages and Expences, that they respectively shall, or may sustain, or be put unto, in and about the Execution and Defence of the Trusts hereby in them respectively repos'd: Having always to the King's most Excellent Majestie his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors and Administrators (other than and except the said *William Barnesley the Lunatick, and the Heirs and Issue of the said William Barnesley, and also the said Mansell Powell and Samuel Barnesley, his Assignee and Assignees, and all and every Person and Persons having or claiming any Estate, Right, Title, Interest,*

Claim or Demand, of, into or out of the Premises hereby vested, or any Part thereof, in Trust for them or any of them or by, from, or under the said *Mansell Powell* or *Samuel Barnesley*, as Voluntiers without good and valuable Consideration, or with-
~~out~~ Notice of the Right, Title or Equity, of the said *William Barnesley* the Lunatick) all such Estate, Right, Title, Interest, Claims and Demands whatsoever, of, into or out of the Manors, Lands, Tenements, Hereditaments and Premises, vested and settled by this Act, as they, every or any of them, had before the passing this Act, or could, or might have had, or enjoyed, in Case this Act had not been made.

Prohibited always, and it is hereby further Enacted, by the Authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to take away or prejudice any Right or Remedy which the said *Mansell Powell* and *Samuel Barnesley*, or either of them, their, or either of their Heirs, Executors or Administrators, may lawfully have or take to reverse, alter or vary the Orders or Decrees herein before recited, or any of them ; but such Right and Remedy shall remain and continue in the same State and Condition as if this Act had never been made : And the Estate, and Interest hereby vested in the said *Stephen Comyn* and *Gryfudd Price*, and their Heirs : And all Mortgages, Securities, Conveyances and Assurances to be made of the Premises hereby vested, or any Part thereof, by the said *Stephen Comyn* and *Gryfudd Price*, or the Survivor of them, or the Heirs of such Survivor shall be subject to any reversal Alteration or Variation to be duly made of or in the said Orders and Decrees, or any of them. And to the legal and equitable Consequences thereof, in like Manner as if this Act had never been made, any Thing herein before contained to the contrary thereof in any wise notwithstanding.



Referring the real Estate of William Barnesley, Esq; deceased, in Trustees for the Benefit of William Barnesley, Esq; his only Son and Heir, who is a Lunatick; and for raising Money to pay the Costs of several Suits and Proceedings at Law and in Equity, brought for Recovery of the said Estate.